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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/610,404 07/05/00 CAVILL

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LEXMARK INTERNATIONAL INC
INTELLECTUAL PROPERTY LAW DEPARTMENT
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EXAMINER

POON, K

ART UNIT

PAPER NUMBER

2624

DATE MAILED:

10/24/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/610,404

Applicant(s)

Barry Richard Cavill et al.

Examiner

King Y. Poon

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— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirements.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) ☐ All b) ☐ Some* c) ☐ None of:


- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. _____.
- ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 4, 5 20) ☐ Other: _____


DOV POPOVICI
PRIM' EXAMINER

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. Claims 1, 3-5, 7-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Itoh.
(U.S. Patent # 6,034,785).

Regarding claim 1: Itoh teaches a method of processing a digital photographic image (column 6, line 40, column 7, lines 40-45) on a photoprinter, (10, fig. 1) comprising: receiving a digital photographic image (the image scanned in by the scanner 12, column 7, lines 40-45) in a first format (the resolution that is before converted to 300 dpi, column 14, lines 40-45) on a printer; (10, fig. 1) performing one or more first operations (image processing, column 14, line 42) on the digital photographic image in the first format; (see the image is processed before being converted into 300 dpi, column 14, lines 40-45) converting the digital photographic image to a second format; (300 dpi, column 14, lines 40-45) and performing one or more second operations on the digital photographic image in the second format. (Synthesized, column 14, lines 1-10).

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Regarding claim 3: Itoh teaches rendering the digital photographic image for output on the printer. (Column 10, lines 60-67).

Regarding claim 4: Itoh teaches wherein the first operations include one or more photographic image alterations. (Column 8, lines 45-50).

Regarding claim 5: Itoh teaches wherein the second operations include: one or more text insertions onto the digital photographic image; (predetermined sentence, column 12, lines 45-50) and one or more graphical (the object of previously prepared picture, column 12, lines 45-50) insertions onto the digital photographic image.

Regarding claim 7: Itoh teaches wherein the second format is a printer resolution format. (Column 14, lines 1-5)

Regarding claim 8: Itoh teaches selecting means (processing device, column 8, lines 45-50 set processing condition selected by a user using an input device, 22, fig. 1) for selectively performing a third operation (color correction, column 8, lines 49) on the digital photographic image in the first format.

Regarding claim 9: Itoh teaches selecting means for selectively (program of controller 14 used to control input device 22 to select the image selected by users to be synthesized, column 6, lines 5-40) performing a fourth operation (synthesizing a name, column 6, line 29) on the digital photographic image in the second format.

Regarding claim 10: Itoh teaches a photoprinter (10, fig. 1) capable of processing a digital photographic image at two resolutions, (the resolution that is before converted to 300 dpi,

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column 14, lines 40-45, and 300 dpi, column 14, lines 40-45) comprising: a first memory (frame memory 46, fig. 2, and column 14, lines 41) in a first format; (see the image is processed before being converted into 300 dpi, column 14, lines 40-45); a second memory (memory 20, column 12, lines 44-55) in a second format; and a controller (CPU 40, column 10, lines 15-35) wherein the controller performs one or more first operations (column 8, lines 45-50) on a digital photographic image in the first memory and one or more second operations (Synthesized, column 14, lines 1-10) on the digital photographic image in the second memory.

Regarding claim 11: Itoh teaches means (control program of CPU 40 used to perform converting images data to the printer resolution, column 14, lines 40-45) for converting the digital photographic image in the first memory in the first format to the second format for storage in the second memory.

Regarding claim 12: Itoh teaches rendering the digital photographic image for output to a paper medium. (Column 10, lines 60-67, column 23, line 29).

Regarding claim 13: Itoh teaches rendering the digital photographic image for output to a computer readable medium. (42, column 10, lines 1-5)

Regarding claim 14: Itoh teaches the first format is a native resolution format of the digital photographic image (column 7, lines 5-20) and the second format is a printer resolution format. (Column 14, lines 1-5).

Regarding claim 15: Itoh teaches wherein the first operations include one or more digital photographic image alterations. (See magnification, column 8, lines 45-50)

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Regarding claim 16: Itoh teaches wherein the second operations include one or more text insertions (predetermined sentence, column 12, lines 45-50) and one or more graphical (the object of previously prepared picture, column 12, lines 45-50) insertions onto the digital photographic image.

Regarding claim 17: Itoh teaches a method of providing data management (abstract) on a photoprinter (10, fig. 1) comprising: receiving a digital photographic image (the image scanned in by the scanner 12, column 7, lines 40-45) in a first format; (the resolution that is before converted to 300 dpi, column 14, lines 40-45); storing the digital photographic image in a first memory (frame memory 46, column 8, lines 20-36) in the first format; (see the image is stored before being converted into 300 dpi, column 14, lines 40-45) performing one or more first operations on the digital photographic image in the first memory; (column 8, lines 45-50) converting the digital photographic image to a second format; (300dpi, column 14, lines 40-45) transferring and storing the digital photographic image in the second format to a second memory; (memory 20, column 12, lines 44-55) and performing one or more second operations on the digital photographic image in the second memory. (Synthesized, column 14, lines 1-10).

Regarding claim 18: Itoh teaches rendering the digital photographic image for output. (Column 10, lines 60-67).

Regarding claim 19: Itoh teaches, wherein the first format is at a lower resolution format than the second format. (Inherent properties of Itoh. When Itoh teaches converting scanned

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images into printer resolution, column 14, lines 1-10, the scanned images can only be with a resolution of higher, lower or the same compare to the printer resolution.)

Regarding claim 20: Itoh teaches, wherein the first operations include digital photographic image alterations (column 8, lines 45-50) and the second operations include text (predetermined sentence, column 12, lines 45-50) and graphical insertions (the object of previously prepared picture, column 12, lines 45-50) on the digital photographic image.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Itoh as applied to claim 1 and further in view of Chang et al. (U.S. Patent # 4,965,748).

Regarding claim 2: Itoh teaches storing the digital photographic image while in the first format in an image-storage buffer; (frame memory 46, fig. 2, and column 14, lines 41) and storing the digital photographic image while at the second format in a memory. (memory 20, column 12, lines 44-55)

Itoh does not teach to use a print band buffer to store the image data at the second format.

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Chang et al., in the same area of storing image data to be printed by a printer, teaches to store image data using a print band buffer. (Column 1, lines 40-45, and column 1, lines 65).

Therefore, it would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified Itoh by: using a print band buffer to store the image data at the second format.

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified Itoh by the teaching of Chang et al. because of the following reasons: (a) using a band buffer would have reduced the memory size of the printer, as taught by Chang et al. at column 1, lines 40-45; (b) using a smaller memory would have reduced the cost of the printer; and (c) using a smaller memory would have reduced the size of the circuitry for the printer.

5. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Itoh as applied to claim 1 and further in view of Levine. (U.S. Patent # 4,751,583).

Regarding claim 6: Itoh teaches wherein the first format is a scanner resolution format. (Column 7, lines 10-20).

Itoh does not teach that the resolution format is in a camera resolution format.

Levine, in the same area of printing photographic images teaches to input image from a camera, (fig. 1) with a camera resolution format, (column 4, lines 15-30) to be processed by a processor, (14, fig. 1) for printing.


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Therefore, it would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified Itoh by: replacing scanner with a camera such that resolution format is in a camera resolution format.

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified Itoh by the teaching of Levine because of the following reasons (a) a camera would have provided the user with a better quality image and with a higher resolution, as taught by Levine at column 4, lines 15-30; and (b) a better quality image would have created a better picture or print out or print product for the users.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to King Y. Poon whose telephone number is (703) 305-0892 or to Supervisor Mr. David Moore whose phone number is (703) 308-7452.


DOV POPOVICI
PRIMARY EXAMINER